

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JORDAN S. WARNER,

Plaintiff,

-against-

GERALDINE M. WILSON, R.N., MICHELE SAUVE,
R.N., CHRISTY L. CONKLIN, R.N., and JOHN AND
JANE DOES 1-10,

Defendants.

Civil Action No.:

9:21-cv-00618 (GTS) (DJS)

**STIPULATION AND
ORDER OF DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this action, through their undersigned attorneys, that the parties to this action have agreed as follows:

WHEREAS, Plaintiff JORDAN S. WARNER brought this civil action, 9:21-cv-00618 (GTS) (DJS) in the United States District Court for the Northern District of New York (the “Federal Action”), to allege a Cause of Action under 42 U.S.C. § 1983 and Eighth Amendment to the United States Constitution as alleged in the Amended Complaint (*i.e.*, Dkt. No. 14) against Defendants GERALDINE M. WILSON, R.N., MICHELE SAUVE, R.N., and CHRISTY L. CONKLIN, R.N. (hereinafter “Defendants”);

WHEREAS, Plaintiff JORDAN S. WARNER has brought an action, pending in the New York State Court of Claims, *Jordan Warner v. State of New York*, Claim No. 136417 (the “Court of Claims Action”), alleging causes of action under New York State laws against agents, servants, employees, and contractors of New York State Department of Corrections including but not limited to the Defendants named herein;

WHEREAS, Plaintiff hereby agrees to discontinue with prejudice the sole Cause of Action pending in the Federal Action, arising from 42 U.S.C. § 1983 and Eighth Amendment to the United States Constitution, without affecting any claims or allegations that were brought in the Court of Claims Action;

WHEREAS, no party hereto is an infant or incompetent person for whom a committee has been appointed;

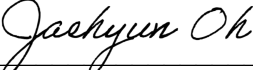
WHEREAS, it is stipulated and agreed that facsimile signatures, including signatures and electronic signatures, shall be accepted as originals for the purpose of this Stipulation and Order of Dismissal;

WHEREFORE, IT IS HEREBY ORDERED, STIPULATED, and AGREED that the above-captioned action is dismissed with prejudice, without costs to either party as against the other, with no effect on the New York State Court of Claims action, *Jordan Warner v. State of New York*, Claim No. 136417.

(Remainder of this page intentionally left blank with signature blocks to follow on the next page)

Dated: August 22, 2022


The Jacob D. Fuchsberg Law Firm, LLP



By: Jaehyun Oh, Esq.
Attorneys for Plaintiff
3 Park Avenue, 37th Floor
New York, New York 10016
(212) 869-3500

Dated: August 23, 2022

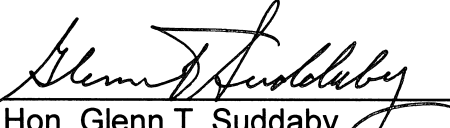
New York State Office of the
Attorney General



By: David C. White, Esq.
Assistant Attorney General
Attorneys for Defendants
Litigation Bureau
The Capitol
Albany, New York 12224
(518) 776-2601

IT IS SO ORDERED.

DATED: August 24, 2022



Hon. Glenn T. Suddaby
Chief U.S. District Judge